



Docket No.: 244521US2DIV

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/697,045  
Applicants: Takashi KUROI, et al.  
Filing Date: October 31, 2003  
For: SEMICONDUCTOR DEVICE AND  
MANUFACTURING METHOD THEREOF  
Group Art Unit: 2812  
Examiner: R. POMPEY

SIR:

Attached hereto for filing are the following papers:

**ELECTION OF SPECIES**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TAKASHI KUROI, ET AL. : EXAMINER: R. POMPEY  
SERIAL NO: 10/697,045 :  
FILED: OCTOBER 31, 2003 : GROUP ART UNIT: 2812  
FOR: SEMICONDUCTOR DEVICE AND :  
MANUFACTURING METHOD THEREOF

ELECTION OF SPECIES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Election Requirement dated April 19, 2005, Applicants provisionally elect Species I corresponding to Figures 2-18, and identify Claim 10 as readable thereon. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

The Election Requirement asserts that the application contains claims to patentably distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that the field of search for the various species is overlapping, and the claims of the present application would have to be searched in only a handful of subclasses. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort.

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Reply to Office Action of April 19, 2005

Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 10 and 13-20 be conducted.

Accordingly, an action on all pending claims is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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